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AD HOC GROUP ON ARTICLE 13
First session
Geneva, 30 - 31 October 1995

REPORT OF THE AD HOC GROUP ON ARTICLE 13 ON THE WORK OF ITS FIRST SESSION HELD AT GENEVA FROM 30 TO 31 OCTOBER 1995

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I. OPENING OF THE SESSION
(Agenda item 1)

1. The first session of the Ad Hoc Group on Article 13 (hereinafter referred to as "the AG13") was held at Geneva from 30 to 31 October 1995. The session was convened in accordance with decision 20/CP.1 (see FCCC/CP/1995/7/Add.1) of the first session of the Conference of the Parties (COP).

2. The Executive Secretary opened the session at the 1st meeting, on 30 October. In welcoming the participants, he noted that technical and legal experts were to be designated in advance by Parties, and he expressed the hope that this expertise had been mobilized. He pointed out that meeting facilities had been arranged to enable the Group to benefit from a less formal working environment.

3. The Group formally approved the nomination by the President of the COP, after consultation with the Parties, of Mr. Patrick Széll (United Kingdom of Great Britain and Northern Ireland) as Chairman of the AG13.

4. The Chairman of the AG13 thanked the participants for approving his nomination and welcomed them to the session. He expressed the hope that, despite the limited time available, the Group, at its first session, would discuss the overall context of the work of the AG13, as well as defining the programme of work up to COP 2.

5. The Executive Secretary made an opening statement in which he congratulated the Chairman of the AG13 on his appointment. He indicated that the secretariat was mindful of the potential link between issues relating to the establishment of a multilateral consultative process and its design and the process of review of national communications of Parties to the Convention, as well as any other processes under the Convention. He underlined that one of the tasks facing the Group was to consider the question of what could be the purpose of such a multilateral consultative process under Article 13. He noted, in addition, that the agenda also provided for the review of experience gained from existing non-compliance mechanisms.

II. ORGANIZATIONAL MATTERS
(Agenda item 2)

A. Adoption of the agenda
(Agenda item 2 (a))

6. At its 1st meeting, on 30 October, the AG13 adopted the following agenda:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;
   (b) Organization of work of the session.

3. Election of officers other than the Chairman.

4. Programme of work during the session:

   (a) Preliminary exchange of views of the issues arising under Article 13;

   (b) Review of documentation;

   (c) Review of similar mechanisms.

5. Future work of the Ad Hoc Group on Article 13.

6. Report on the session.

B. Organization of work of the session
(Agenda item 2 (b))

7. At its 1st meeting, on 30 October, the Chairman recalled that there would be services available for one morning and one afternoon meeting each day with interpretation in all working languages of the United Nations. The Chairman also referred to the documentation, as mentioned in document FCCC/AG13/1995/1, paragraphs 11 and 12.

8. The Chairman recalled that observers from non-governmental organizations were welcome on the conference room floor before and after meetings but that while meetings were in progress they should remain in the seating area allocated to them.

C. Attendance

9. The lists of attendance at the first session of the AG13 are given in the annex below.

D. Documentation

10. The following document was prepared for the AG13 at its first session:

FCCC/AG13/1995/1	Provisional agenda and annotations

III. ELECTION OF OFFICERS OTHER THAN THE CHAIRMAN
(Agenda item 3)

11. At its 1st meeting, on 30 October, the AG13 considered agenda item 3. The Group approved the Chairman's proposal to consider the item in informal consultations with regional coordinators. At the 4th meeting of the AG13, on 31 October, the Chairman informed the Group that the regional coordinators were continuing to consider the appointment of a Vice-Chairman and a Rapporteur. The Group agreed to discuss further the issue of the election of officers during the next session.

IV. PROGRAMME OF WORK DURING THE SESSION
(Agenda item 4)

12. The AG13 considered agenda sub-item 4(a) at its 1st, 2nd and 3rd meetings, on 30 and 31 October. Statements were made by representatives of 14 Parties, including one speaking on behalf of the European Community and its member States. An observer from a non-governmental organization made a statement.

13. The AG13 considered jointly agenda sub-items 4(b) and 4(c) at its 3rd meeting, on 31 October. Statements were made by representatives of five Parties. An observer from a non-governmental organization made a statement.

14. The Group agreed that the issues raised during the discussions under the present agenda items should be reflected in the conclusions under the agenda item on future work of the AG13.

V. FUTURE WORK OF THE AD HOC GROUP ON ARTICLE 13
(Agenda item 5)

1. Proceedings

15. The AG13 considered this item at its 3rd and 4th meetings, on 31 October. Statements were made by representatives of 15 Parties, including one speaking on behalf of the European Community and its member States. A statement was made by an observer from a State not party to the Convention.

2. Conclusions

16. The Group agreed there was need for careful and detailed examination of all issues relating to the establishment of a multilateral consultative process and its design. This would take considerable time and work on Article 13 would not be completed by COP 2. In

consequence, it would be necessary to plan a programme of work extending beyond that session.

17. The Group decided to request Parties to make written submissions relating to a multilateral consultative process, including submissions on a number of key issues regarding the design of such a process. These, and any other issues Parties considered to be relevant to the exercise, should be identified through a questionnaire to be circulated by the secretariat no later than 30 November 1995. Inputs were requested from Parties by 8 February 1996 and would be compiled and synthesized by the secretariat. Inputs from States that are not Party to the Convention and from intergovernmental and non-governmental organizations would also be welcomed and would be included in separate sections of the compilation. The compilation would be made available during the sessions of the Ad Hoc Group on the Berlin Mandate (AGBM), the Subsidiary Body for Implementation and the Subsidiary Body for Scientific and Technological Advice to be held in February/March 1996. The compilation and its synthesis would be considered by the Group at its second session in July 1996 which should, if possible, be of three days' duration. The questionnaire should seek views from Parties on, inter alia, the following points and concerns raised during the first session of the AG13:

(a) What should be understood by the term "multilateral consultative process" and what "questions regarding the implementation of the Convention" should be covered by such a process?

(b) What linkages would need to be established with other Articles of the Convention, notably, Articles 7.2(c), 8.2(c), 10, 12 and 14? (For example, are the provisions on the review process complete in themselves or is there scope for them to receive support through the process envisaged under Article 13? What is the relationship of Article 13 to Article 14? Would the process under Article 13 automatically be halted if a Party were to invoke Article 14?)

(c) Is there a gap between the processes on review of implementation and on settlement of disputes? If so, what is the extent of that gap and how could Article 13 contribute to narrowing it?

(d) Should the multilateral consultative process be made to apply to related legal instruments in addition to the Convention?

(e) Is there a relationship between the Article 13 process and the subsidiary bodies established under the Convention, for example, the AGBM?

(f) In addition to the questions raised in paragraph 10 of the annotated agenda (FCCC/AG13/1995/1), a number of other questions were raised that could be included in the questionnaire:

(i) What principles should govern the process? Is it sufficient that the process should be simple, transparent, facilitative and non-confrontational in character?

(ii) What is the legal status of the process?

(iii) What is meant by the Article 13 phrase: "Parties on their request"? Who may trigger the process apart from the Parties themselves? Is this process compulsory or optional?

(iv) What is meant by the word "process" in Article 13? Should it be understood as a sequence of events or as a mechanism or as an institution? Could it imply all of these?

(v) If a new mechanism or institution were to be established under Article 13, should its membership be general or restricted to specialists such as legal, economic, social or technical experts? In this context, should a roster of experts to provide advice be envisaged?

(vi) Is it necessary to establish such a multilateral consultative process? If so, what measures should the COP take for its adoption: a decision of the COP or an amendment or a protocol?

18. The Group also requested the secretariat to organize a half-day panel discussion on experience with consultative procedures that could be relevant to the work of the Group. This should be held on the opening day of the second session of the AG13 and relevant materials would be circulated in advance.

VI. REPORT ON THE SESSION
(Agenda item 6)

19. At its 1st meeting, on 30 October, the AG13, in view of the brevity of the session, requested the Chairman, in the absence of an elected Rapporteur, and with the assistance of the secretariat, to prepare the report of the session and to include therein the conclusions adopted under agenda item 5, taking into account the need for editorial adjustments.

20. At the 4th meeting, on 31 October, the Chairman expressed satisfaction at the progress made at this first session of the Group. After thanking the participants for their constructive inputs, and the interpreters and the interim secretariat for their assistance, he declared the first session of the AG13 closed.

Annex

LISTS OF ATTENDANCE

21. The first session of the AG13 was attended by representatives of the following 93 Parties to the United Nations Framework Convention on Climate Change.

Algeria
Antigua and Barbuda
Argentina
Australia
Austria
Bangladesh
Benin
Bolivia
Botswana
Brazil
Bulgaria
Burkina Faso
Cameroon
Canada
Central African Republic
China
Colombia
Comoros
Cook Islands
Costa Rica
Côte d'Ivoire
Cuba
Czech Republic
Denmark
Ecuador
Egypt
Eritrea
Estonia
European Community
Finland
France
Gambia
Georgia
Germany
Guinea
Guyana
Hungary
India
Indonesia
Italy
Japan
Jordan
Kuwait
Lao People's Democratic Republic
Latvia
Lithuania
Malawi
Malaysia
Maldives
Malta
Mauritania
Mexico
Micronesia (Federated States of)
Myanmar
Netherlands
New Zealand
Niger
Nigeria
Norway
Pakistan
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Republic of Korea
Romania
Russian Federation
Samoa
Saudi Arabia
Sierra Leone
Slovak Republic
Spain
Sri Lanka
Sudan
Sweden
Switzerland
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkmenistan
Uganda
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Uzbekistan
Vanuatu
Venezuela
Viet Nam
Zambia
Zimbabwe

22. The session was also attended by observers from the following States not parties to the Convention:

Belgium	Iran (Islamic Republic of)	Syrian Arab Republic
El Salvador	Mozambique	Turkey
Honduras	South Africa	

23. The following United Nations offices and programmes were represented:

United Nations Department for Policy Coordination and Sustainable Development (DPCSD)
United Nations Conference on Trade and Development (UNCTAD)
United Nations Environment Programme (UNEP)
United Nations Centre for Human Settlements (HABITAT)

24. The following specialized agencies of the United Nations and related organizations were represented:

International Atomic Energy Agency (IAEA)
United Nations Educational, Scientific and Cultural Organization, Intergovernmental Oceanographic Commission (UNESCO/IOC)
World Trade Organization (WTO)

25. The following intergovernmental and non-governmental organizations were represented:

Intergovernmental organizations:

International Energy Agency (IEA)
Organisation for Economic Co-operation and Development (OECD)
South Pacific Regional Environment Programme (SPREP)

Non-governmental organizations:

Association Française du Froid/Alliance Froid Climatisation Environnement / Paris, France
Canadian Electrical Association / Ottowa, Canada
Climate Action Network UK / London, UK
Climate Network Europe / Brussels, Belgium
Edison Electric Institute / Washington, USA
Foundation for International Environmental Law and Development / London, UK
GermanWatch / Bonn, Germany
Global Climate Coalition / Washington, USA

Global Industrial and Social Progress Research Institute / Tokyo, Japan
Greenpeace International / Amsterdam, Netherlands
International Academy of the Environment / Conches, Switzerland
International Institute for Applied System Analysis / Laxenburg, Austria
International Chamber of Commerce / Paris, France
International Petroleum Industry Environmental Conservation Association / London, UK
Institut de recherche sur l'environnement / La Roche sur Foron, France
International Union of Producers and Distributors of Electrical Energy / Paris, France
International Society on Optics Within Life Sciences / Münster, Germany
National Coal Association / Washington, USA
Tata Energy Research Institute / New Delhi, India
The Climate Council / Washington, USA
The Skies Above Foundation / Victoria, Canada
The Woods Hole Reseach Center / Woods Hole, USA
Union of Concerned Scientists / Washington, USA
US Climate Action Network / Washington, USA
Verification Technology Information Centre / London, UK
World Coal Institute / London, UK
Wuppertal Institute for Climate, Environment and Energy / Wuppertal, Germany
WWF-International / Gland, Switzerland

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